

B

OGC 81-09542
5 November 1981

NOTE FOR: The Director

FROM: Stanley Sporkin
General Counsel

SUBJECT: Your Meeting on 6 November 1981 With the Secretary of
Defense

1. I understand Secretary Weinberger may raise the new Executive order at your breakfast tomorrow. Generally, the new order would give DoD the same benefits it gives to CIA. Items 4, 5, and 6 in the attached paper, as well as most of the other improvements listed, would apply to DoD.

2. DoD may raise the definition of intelligence activities. As defined in the new order, "intelligence activities" includes all activities authorized by the order. This would technically include communications security activities, which are DoD's responsibility and which they do not consider to be "intelligence" activities. The bottom line is, however, that the definition has no effect with respect to turf, but only allows the Community to take broad advantage of an exemption in the Paperwork Reduction Act. (The Act is not a problem for DoD and NSA because it exempts COMSEC activities separately.)

3. The alternatives would be to define intelligence activities as (a) all activities authorized by the order except COMSEC, or (b) by listing all the types of activities except COMSEC. However, a change at this late date is really unnecessary. The technical inclusion of COMSEC activities within the definition of intelligence activities in no way threatens DoD's responsibility for COMSEC.



STAT

Stanley Sporkin

Attachment.

P.S. Attached are two copies of the new order as was approved at our meeting at the White House today.